



City of Carmel

CARMEL PLAN COMMISSION

November 21, 2006

Minutes

The regularly scheduled meeting of the Carmel Plan Commission commenced on November 21, 2006 at 6:00 PM in the Council Chambers of City Hall, Carmel, Indiana.

Members present: Leo Dierckman; Jay Dorman; Dan Dutcher; Wayne Haney; Kevin Heber; Rick Ripma; Carol Schleif; Steve Stromquist; Madeleine Torres; Susan Westermeier, thereby establishing a quorum.

DOCS Staff present: Michael Hollibaugh, Director; Matt Griffin, City Planner. Also present: John Molitor, Legal Counsel.

The minutes of the October 17, 2006 meeting were approved as submitted.

Legal Counsel, John Molitor: Nothing to report.

Matt Griffin, DOCS announced that the following have been tabled to December 19, 2006: Docket Nos. 06010003 Z, Guerrero Property; 06050004 Z, 10403 Pennsylvania Street; 06090044 PP, 122nd & Penn Development; and 06010008 Z, Midtown Village PUD.

Public Hearings:

1H. Docket No. 06010003 Z: Guerrero Property – CONT to DEC. 19

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131st Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

2H. Docket No. 06050004 Z: 10403 Pennsylvania Street – CONT to DEC. 19

The applicant seeks to create to rezone property from R1 to B5.

The site is located at 10403 Pennsylvania Street and is zoned R1 within the Home Place Overlay.

Filed by Marshall Andich (owner).

3H. **Docket No. 06090029 DP/ADLS: Red Robin Michigan Road**

The applicant seeks development plan and architecture, lighting, landscaping, and signage approval for a proposed 6,350-square foot restaurant.

The site is located at 9901 Michigan Road and is zoned B2. It is within the Michigan Road/US 421 Overlay District.

Filed by John Finnemore of Red Robin International, Inc.

John Finnemore, Red Robin International, Inc. appeared before the Commission representing the applicant. Approval is requested for a Development Plan and ADLS for a 6,350 square-foot restaurant located at the northeast corner of Michigan Road and 99th Street, in front of the new, Best Buy store and across the street from RCI corporate offices. The site is within the US 421 Overlay District.

The petitioner has selected an Italianate style of architecture for the building. The site plan meets the parking and building setback requirements as well as the number of required parking spaces. The landscape plan has not yet been approved and is currently five trees short. However, the petitioner is working with Scott Brewer and the landscape plan will be finalized soon.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: There is a list of items that are to be resolved by the Committee date of December 5. The information packets for Committee are to be submitted on November 28th due to the Thanksgiving holiday. The Department is recommending this item be forwarded to the December 5 Special Studies Committee for review and discussion.

Commissioner Comments:

Jay Dorman: Anything that will prevent this item from going through pending resolution of the trees?

Department: Matt Griffin responded in the negative.

Rick Ripma: Materials shown do not include any brick—request consistency in the 421 Corridor—would prefer brick materials.

Department: Matt Griffin thought the brick requirement was only in the US 31 Overlay Zone and wood siding is one of the choices for the 421 Overlay—will verify.

Docket No. 06090029 DP/ADLS, Red Robin Michigan Road was referred to Special Studies Committee for further review on December 05, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

4H. **Docket No. 06090041 PP: Towne Oak Estates.**

The applicant seeks primary plat approval for an 18.75-acre site, to be divided into 16 parcels with one public cul-de-sac access point.

In conjunction with this request, the applicant seeks the following waivers:

Docket No. 06100025 SW SCO Chapter 06.03.07 Cul-de-Sac length exceeds

600 feet.

Docket No. 06100026 SW SCO Chapter 06.03.21 Request to have one access point for 16 parcels, two access points required for subdivisions with 15 or more lots.

The site is located south of 131st Street on Towne Road and is zoned S1.

Filed by Matthew Skelton of Baker and Daniels, LLP for 56 Towne, LLC.

Matt Skelton, attorney, Baker & Daniels, 600 East 96th Street appeared before the Commission representing the applicant. Also present: Rick Huffman and Mark Humphry, 56 Towne LLC, and Eric Babb, project engineer, Schneider Corp.

Approval is requested for a Primary Plat proposal for 16 custom home lots on the east side of Towne Road just north of 116th Street. Cox Hall Gardens Hamilton County Park Facility is immediately to the south of the proposed site. Towne Oak Estates is approximately 18.75 acres in size, and the home prices would be in excess of \$1.2 million.

Some draft commitments have been included for the Commission's consideration. The commitments would adopt the City's draft architectural standards verbatim.

The petitioner has met with the neighbors and of those who attended, questions were addressed. The Department has outlined items in the Staff Report that need to be followed-up. Open items include providing a detail for the common area of the site—an alternative street design is being proposed and the engineering department will respond. Also, the landscaping plan has not yet been finalized and approved. Architectural standards have been addressed with the commitments proposed in the packets.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: Hopefully the open items can be addressed at the Committee level. However, the Department would like to see a pedestrian path or connection leading into the cul-de-sac and tapping into the Brenwick path to the east—if this is not possible, perhaps work with Cox Hall Gardens for a pedestrian connection into the park. Any revisions and up-dates should be delivered to the Department on November 28 due to the Thanksgiving holiday. The Department is requesting that this item be forwarded to the December 5 Subdivision Committee for further review.

Commissioner Comments:

Dan Dutcher: Concurs with the Department's comments on the pedestrian path access to Brenwick and/or Cox Hall Gardens. Dan suggested the petitioner contact Hamilton County Parks Dept. for open dialogue. This matter should be followed-up on.

Carol Schleif: Other options besides front-loading garages should be explored. There is some carriage loading from the front, yet it is not facing the street—perhaps this approach might be taken.

Kevin Heber: The Alternate Transportation Plan (ATP) shows a pathway on the pipeline in this location—Karyn Ryg would be helpful in knowing what is actually planned for this location.

Jay Dorman: The pipeline will be re-constructed and the Commission should be aware.

Docket No. 06090041 PP, Towne Oak Estates was referred to the Subdivision Committee for further review on December 05, 2006 at 6:00 PM.

Matt Skelton commented that most all concerns listed have already been addressed. This can be gone over in detail at Committee.

5. Docket No. 06090042 PP: Cherry Tree Grove.

The applicant seeks primary plat approval for a 20.44-acre site, to be divided into 34 parcels.

The site is located on Cherry Tree Road, south of 146th Street, and is currently zoned S1, with S2 zoning pending Council approval.

In conjunction with this request, the applicant seeks the following waiver:

06100024 SW SCO Chapter 06.03.15 Radius of curvature measured along the center line

Filed by Matthew Skelton of Baker and Daniels, LLP for RDJ Land Development, LLC.

Matt Skelton, attorney, Baker & Daniels, 600 East 96th Street, appeared before the Commission representing the applicant. Approval is requested for a primary plat for Cherry Tree Grove; the proposal is almost identical to what was previously presented to the Commission in September. The proposal is for a 34-lot, RDJ custom home subdivision. RDJ is still the planned builder and the commitments included are identical to the commitments previously reviewed and worked out at the Committee level.

Additional Commitments were made at the City-Council level at the time the Rezone request was approved on November 20, 2006. 1) The detention pond will be lined with clay soil. 2) Vinyl siding has been eliminated as an option for exterior building materials. 3) The petitioner is working with Platinum Properties (The Legacy project) to coordinate the exact connection location for the trail.

The petitioner is hopeful of a final vote this evening.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments: Matt Griffin noted no outstanding concerns with this petition and recommended it be sent to Subdivision Committee on December 5 for further review. The Department would support a vote this evening.

Commissioner Comments:

Carol Schleif: At issue—the front-loading garages. The petitioner could use the carriage approach. On the exhibit shown near the entrance, it looks as if the lots have slid down a little and the lots can no longer circle around the bottom of the cul-de-sac. Lot 22 has “slipped” into the

common area a little and crowded into the gazebo. The cul-de-sac length is shorter—lot 32 slid a little.

Docket No. 06090042 PP, Cherry Tree Grove was referred to the Subdivision Committee for further review on December 05, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

6H. Docket No. 06090044 PP: 122 Penn Development.

The applicant seeks primary plat approval for a 27.42-acre site, to be divided into 2 parcels.

The site is located at the northeast corner of 122nd St. and Pennsylvania St., and is currently zoned B3.

Filed by Bryan Moll of American Consulting, Inc for 122 Penn Development.

TABLED TO DECEMBER 19, 2006

7H. Docket No. 06100001 DP Amend/ADLS Amend: Block E, West Carmel Center.

The applicant seeks Development Plan Amendment and ADLS Amendment approval for the construction of four, one-story buildings on a 3.04-acre parcel within Block E of Phase II of the West Carmel Center Office Park.

The site is located at the intersection of 106th Street and Michigan Road, within the Michigan Road/US 421 Overlay, and is zoned B5.

Filed by Brett Baumgarten of Coastal Partners.

Tony Haulsey, American Consulting, Inc., 7260 Shadeland Station, Indianapolis appeared before the Commission representing Coastal Partners.

The petitioner is seeking construction approval for four (4) one-story buildings on a 3.04-acre parcel. The proposal is the continuation of approval received in 2005; phase I is currently under construction. Each office building is 8,128 square feet. There are 109 parking spaces required and the petitioner is providing 120 spaces.

The Staff had three comments on this proposal. 1) The buildings would need better pedestrian connectivity between the four buildings—the site plan has been modified to reflect that. 2) Bicycle parking—currently being shown north of building #5. Ordinance requires 6 bicycle spaces, and 6 are being provided. The six bicycle spaces will be dispersed within the development rather than limited to one specific area. 3) The landscape plan has not yet been approved. The petitioner has been in dialogue with Scott Brewer, Urban Forester, and some revisions made to the landscape plan; as yet, the plan has not had final approval.

The petitioner will be seeking variances for the perimeter landscape buffer and architectural design.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: The revised exhibits should be delivered to the DOCS office by Noon on November 28. The Department is recommending this item be referred to the Special

Studies Committee for further review on December 5, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

Note: Petitioner will be requesting variances for this project—same as those requested and approved for Phase I of the project; one variance for landscape buffer, the second variance is for architectural variance for architectural notches 8 feet according to the code.

Commissioner Comments:

Carol Schleif had favorable comments regarding the project—Wayne Haney as well.

Jay Dorman commented that if he were a resident of the adjacent subdivision, he would not be in favor of the landscaping variance. It looks as if there is a landscape access—Matt Skelton said it is really a break in the berm between the two ponds and not anything accessible. There is a County regulated drain easement that covers the two ponds.

John Molitor, legal counsel clarified that the variances would be before the BZA next week and will probably be resolved before the Committee meeting.

Docket No. 06100001 DP Amend/ADLS Amend, Block E, West Carmel Center was forwarded to the Special Studies Committee for further review on December 5, 2006 at 6:00 PM.

I. Old Business

- 1I. **Docket No. 06010008 Z: Midtown Village PUD – CONT to DEC. 19**
The applicant seeks to rezone 18.82 acres from I1/Industrail to PUD for the purpose of creating mixed use development.
The site is located at 510 Third Avenue SW and is zoned I1/Industrial.
Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.
- 2I. **Docket No. 06070008 DP/ADLS: Pennwood Professional Office Park.**
The applicant seeks to construct two, 2-story office buildings, on a 4.11-acre parcel.
The site is located at 11505 North Pennsylvania Street and is zoned B5.
Filed by E. Davis Coots of Coots, Henke, and Wheeler.

Jim Wheeler, attorney, Coots, Henke, and Wheeler appeared before the Plan Commission representing the applicant. Also in attendance: Richard Young, Wolfson, Young Corp.

This docket was heard at Special Studies Committee on November 2nd and forwarded to the Plan Commission with a positive recommendation, subject to a re-design of the landscape plan. The revised landscape plan was submitted to the Department last Friday.

Steve Stromquist reported that the Special Studies Committee had voted unanimously (5-0) to forward this item to the full Commission with a positive recommendation. The Committee had no outstanding issues, other than Department issues.

Department Comments, Matt Griffin: The Department has been working with the applicant and the
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City Engineer. Three of the items have been resolved; however, the landscape plan, in terms of re-designing the parking lot, tree area, and filtration plantings have yet to be put on the plan. We can move forward when the landscape plan is complete. If the items are resolved, the Department could recommend approval as forwarded by the Special Studies Committee.

The petitioner stated that he is willing to meet the conditions of the Department. The petitioner also stated that pursuant to the Committee requests, more windows have been added to the building, the mechanicals are shielded. The building materials proposed are the same as those used by Lauth on the interstate and deemed acceptable by the Committee. The “boxiness” of the building was addressed by the relay of the building.

Jay Dorman made formal motion for approval of **Docket No. 06070008 DP/ADLS, Pennwood Professional Office Park, subject to** landscape plan approval and site plan approval, seconded by Sue Westermeier, **APPROVED** 10-0.

Dan Dutcher requested that any revisions to buildings made at the Committee level should be sent to the entire Commission; the Department agreed.

3I. Docket No. 06080032 DP/ADLS: Medical Drive Shoppes

The applicant seeks to construct a 9,600 square foot, one-story commercial retail building on the site of a former child care facility.

The site is located at 126 Medical Drive and is zoned B8/Business.

Filed by Mukesh Patel (owner).

Jim Wheeler, attorney, Coots, Henke, and Wheeler appeared before the Commission representing Mukesh Patel, owner and developer of the Medical Drive Shoppes. Mukesh Patel, owner/developer was in attendance as well as Sanjay Patel, VS Engineering.

The Medical Drive Shoppes are located on Medical Drive directly behind the Carmel Racquet Club and is the site of the former La Petite Daycare Academy.

The Medical Drive Shoppes project was reviewed by the Special Studies Committee and received a unanimous recommendation for approval (5-0.) The height of the retaining wall to the rear of the site was a concern as well as “fall protection.” The petitioner agreed to install a chain-link fence with black vinyl coating. The sidewalk crossings now meet all ADA requirements. Also, there is now an enhanced return on the first two levels of the parapet.

Steve Stromquist reported for the Special Studies Committee. The chain link fence behind the building was initially a concern, but the wall is 8 to 10 feet and the fence is necessary. The parapet was discussed and noted. The Committee voted a positive recommendation 5-0.

Department Comments, Matt Griffin: There needs to be a pick-up for the ramp to the storefront—it needs to be aligned on either side. Otherwise, the Department is recommending approval as forwarded by the Committee.

The petitioner indicated a willingness to comply with aligning the ramps.

Jay Dorman asked how much of the retaining wall would mask the trash receptacle.

Nick John with VS Engineering responded that the height of the retaining wall in that area is approximately 8 feet and the trash will not be visible with the landscaping and the height of the wall behind the building.

Jay Dorman noted that the Goddard School next door to the site uses brick around their trash receptacle.

Jay Dorman made formal motion to approve **Docket No. 06080032 DP/ADLS, Medical Drive Shoppes**, seconded by Madeleine Torres, **APPROVED** 10-0.

4I. Docket No. 06080036 Rezone: Park Place PUD.

The applicant seeks rezoning approval for a 19.55-acre parcel, currently zoned R1, requested to be rezoned to the PUD classification to provide for active adult residential development.

The site is located north of 116th Street, on the east side of Guilford Road.

Filed by James Shinaver of Nelson and Frankenberger for Guilford Partners LLC

Jim Shinaver, attorney, Nelson and Frankenberger appeared before the Commission representing the applicant. Also in attendance: David Klauba, Landscape Architect, arborist Jud Scott from Vine & Branch, and Wayne Beverage of Guilford Partners. Rich Kelly, Engineer was en route to the meeting and expected.

The applicant appeared before the October 17th Plan Commission for initial public hearing and was forwarded to the Subdivision Committee for review on November 2nd. This matter is being returned from the Committee with a 4-0 positive recommendation.

Only the rezone is being requested at this time and if approved, the petitioner will return at a later date for DP/ADLS review. The current request is to change the zoning from R-1 classification to a Planned Unit Development to permit a continuing care, retirement community, also known as a CCRC. This particular CCRC would be a very high quality, high-end type of facility.

The building would accommodate 195 independent living, residential suites, 20 assisted living suites, and 20 nursing care suites. The anticipated price range per unit is between \$200,000 and \$600,000 depending upon the type of unit selected, the size of the unit, and the interior types of finish.

From a general perspective, there are no outstanding issues regarding the conceptual layout of the site from the Department of Engineering, and all of the questions and concerns have been addressed from Scott Brewer, Urban Forester.

Jim Shinaver noted that upon reviewing the Staff Report, the Department is supportive of the rezone request and indicates that the proposed use is compliant with the Comprehensive Plan and in character with the surrounding uses. This item did receive a 4-0 positive recommendation from the

Subdivision Committee and the revised plans show better pedestrian access to the garden plots on the eastern portion of the site behind the building. The petitioner has also incorporated a small sitting area near the garden plots. Sidewalks are also included along the front of the parking areas. As stated in the Department Report, there was some discussion by the Committee regarding the Staff's request to provide a pedestrian easement across the northern boundary of the property. After discussion, the Committee decided that they did not necessarily see the benefit of the connection or that location, and they did not ask the petitioner to grant that particular easement.

At this time, the petitioner is asking for a vote to forward to the City Council.

Rick Ripma reported for the Subdivision Committee. The petitioner had complied with all of the Committee's requests. The suggested connection to the north would go into a commercial area cul-de-sac and the Committee was not comfortable with that connection.

Kevin Heber commented that the bend road in the upper right corner of the site is unnecessary. This will be looked at again at DP/ADLS review—a lot of trees could be saved in this location.

Carol Schleif asked about the lot coverage; also, the parking spaces look like 2 spaces per unit plus one for every seven units. The parking should be double-checked. Also, the density looks to be a little high—there is a lot on this site. Also, the main building on this site is approximately 350 feet long along the street and that does not go with anything in the surrounding area. Regarding the style of architecture, the materials are pretty formal—cut stone, etc. The proposed materials are quite casual and may not be appropriate for this project. This could be reviewed at the ADLS stage.

Jim Shinaver responded that the maximum lot parcel coverage per the PUD is 25%. The parking requirements have been adjusted with the type of use associated with the building. The PUD required 383 total parking spaces on the site and that is what is shown on the conceptual plan.

Wayne Haney said he would like to see the area on the west developed as a natural barrier between the living units and the commercial/industrial area. The area to the west would also provide a habitat for the birds and wildlife as well as a very nice setting for these buildings.

Jim Shinaver said the petitioner would continue to review the issues as they relate to the detailed ADLS design of the buildings—the comments are well taken.

Jay Dorman made formal motion to **forward Docket No. 06080036 Rezone, Park Place PUD to the City Council with a positive recommendation**, seconded by Madeleine Torres, approved 10-0.

5I. Docket No. 06080038 DP/ADLS: Midwest ISO.

The applicant seeks development plan and architecture, lighting, landscaping, and signage approval for a proposed 100,000 sq. ft. (with a 34,000 sq. ft. basement), 3-story office building located on 10.042 acres. A connecting pedestrian bridge to an existing office building is also proposed.

The site is located at the northwest corner of City Center Drive and West Carmel Drive, and is zoned M3.

Filed by Paul Reis of Bose McKinney & Evans LLP for Carmel Drive Partners, LLC.

Paul Reis, attorney, Bose, McKinney & Evans, 600 East 96th Street, Suite 500 appeared before the Commission representing the developer, Lauth Property Group. Fred Simmons, Simmons Architects was also present.

The petitioner appeared before the Special Studies Committee on December 5, 2006. The petitioner agreed that if, in the future, this building should become a multi-tenant building, there will be additional pedestrian connection from City Center Drive and West Carmel Drive to a new entrance that would be installed on the south side of the building. There was also discussion and agreement regarding the pedestrian connection from Adams Street on the north part of the site to the entrance proposed on the north side of the building. The Committee voted unanimously to recommend approval of the Development Plan as well as the ADLS application.

The landscape plan has been finalized with Scott Brewer and a revised landscape plan has been filed with the Department. The final issue involved Engineering, more particularly the pedestrian connector in the right-of-way. The pedestrian connector will go over City Center Drive and due to the construction, none of the Engineering issues will affect the ADLS or the Development Plan.

Steve Stromquist reported for the Committee. The petitioner worked well with the Committee and answered all inquiries. The Committee was in favor of moving this item on with a positive recommendation.

Department Comments, Matt Griffin: All concerns have been resolved with the revised plan except for item 2—the Department has yet to see the connection from Adams Street to the building. Aside from that, the Department is recommending approval as forwarded by the Special Studies Committee.

Note: If the building becomes multi-tenant at a future date, there will be additional pedestrian connection for City Center Drive and West Carmel Drive to a new entrance installed on the south façade of the building.

Jay Dorman made formal motion to approve **Docket No. 06080038 DP/ADLS, Midwest ISO, subject to** engineering approval and pedestrian ramp connection, seconded by Madeleine Torres, Approved 10-0.

6I. Docket No. 06070007 ADLS: 122nd & Penn Development.

The applicant seeks to construct one, 3-story office building, out of three proposed buildings total, on a 27.41-acre office park.

The site is located at the northeast corner of 122nd Street and Pennsylvania Street, and is zoned B3.

Filed by Paul Reis of Bose McKinney & Evans, LLP for Panattoni Development, LLC

Paul Reis, attorney, Bose McKinney & Evans, 600 East 96th Street appeared before the Commission representing the applicant. Also present: Fred Simmons, Simmons Architects.

Building #3, the second building, has not yet received ADLS approval. Elements have been included in building #3 that are complementary to the previously approved building #2. At this time, the petitioner is requesting approval of this portion of the ADLS application.

Department Comments, Matt Griffin: This item was at Committee a few months ago. The Commission voted on one building and held back the second building until the Council voted on the rezone prior to making a decision. The rezone was approved and the petitioner is now returning for final approval of the second building. There are no outstanding concerns.

Carol Schleif had comments regarding integrating the parapet and mechanical penthouse into the overall design of the building. Carol was hopeful of a commitment on building 3.

Paul Reis responded that the petitioner would be returning for ADLS review. At this time, commitments cannot be made on a building that has not yet been designed.

Fred Simmons noted that the photographs presented by Carol actually have mechanical penthouses—not roof screens. Building #3 being presented this evening does not have a “penthouse,” it is a roof screen that screens the rooftop equipment and there is a huge difference in how it is treated architecturally.

Carol Schleif made formal motion to approve **Docket No. 06070007 DP/ADLS, 122nd & Penn Development**, seconded by Sue Westermeier, **APPROVED 10-0**.

J. New Business

1J. Docket No. 06090039 ADLS: Weston Pointe Professional Center.

The applicant seeks architecture, design, landscaping, lighting, and signage approval to build one, two-story, 12,280-square foot office building on 2.24 acres.

The site is located at Michigan Road and Weston Pointe Drive, and is zoned B2. It is located within the US 421/Michigan Road Overlay.

Filed by Darci Pellom of Civil Designs, LLP for Williams Realty.

Darci Pellom, Civil Designs appeared before the Commission representing the applicant. The petitioner is seeking ADLS approval for a 13,573-square foot, two-story office building on 2.24 acres within the Weston Pointe Professional Center at Michigan Road and Weston Pointe Drive. The property is located in the US 421 Overlay Zone.

The building is a multiple-tenant building, brick. The signage will be white with individual white letters, mounted to the building. The landscaping has not yet been approved.

Department Comments, Matt Griffin: The Department would like to see a revised site plan prior to Committee. The Department recommends referring this item to Special Studies Committee on December 5, 2006.

Dan Dutcher was curious as to the type of material being used—this can be discussed at Committee.

Carol Schleif thought there was wood material on the second floor. Carol would like to see the entry-way changed to something that would be complementary to the building. Carol will send comments to the Special Studies Committee.

Docket No. 06090039 ADLS, Weston Pointe Professional Center was referred to the Special Studies Committee on December 5, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

2J. **Docket No. 06100005 ADLS: Kohl's of West Carmel Marketplace**

The applicant seeks architecture, design, landscaping, lighting, and signage approval to build one, one-story, 99,148-square foot department store on 8.2 acres.

The site is located at Michigan Road and 99th Street, and is zoned B2 and B3. It is located within the US 421/Michigan Road Overlay.

Filed by Mike Klingl, RLA, of Atwell-Hicks, LLC for Duke Construction.

Matt Price, attorney with Bingham McHale appeared before the Commission representing the applicant. Mike Klingl, project engineer was also present.

The proposal is for the construction of Kohl's Department Store as a part of the West Carmel Marketplace. This building is a companion structure to the Home Depot that is currently open for business.

The Development Plan for this site was approved by the Plan Commission in August 2006 following a public hearing. The current submittal is for the structural feature and the foundation plantings relating to the Kohl's facility.

Matt Price referred to items listed in the Department Report. The petitioner has submitted revised plans that show the pedestrian connectivity requested by the Staff together with the addition of the bicycle parking spaces. The petitioner is submitting a photometric plan this evening that will demonstrate compliance with the lighting requirements. The petitioner is also working through the landscaping requirements with the Urban Forester and anticipates full compliance with the Ordinance.

As was done with the Home Depot project, the petitioner is requesting that the Special Studies Committee be authorized to grant final approval at the Committee level.

Department Comments, Matt Griffin: There are two items to be finalized at Committee. The Department is requesting that this item be forwarded to the December 5, 2006 Special Studies Committee.

Commission Comments:

Rick Ripma: Any special consideration given to the delivery area as there was on the Home Depot store? There is a concern with noise and lights in view of the subdivision in the immediate area. Any requirements for delivery times and peak hours—should be the same for Kohl's as for Home Depot.

Matt Price responded that the Kohl's are for truck unloading is designed so that it would have the same treatment as the Home Depot facility. Basically, it is a recessed area where trucks go below grade level to do unloading and there is a wall around the area where trucks load and unload that would further screen trucks from adjoining properties. The overall site plan also has perimeter landscaping that is actually in place today as a part of the original site plan that would add further screening. It would be great if there were additional trees in the empty lot; there is considerable distance between the Kohl's and the adjacent properties. Certainly during the summer and spring there will be tremendous amount of screening. With the proposed landscaping and the treatment for the loading dock, this project is comparable to the Home Depot store.

Rick Ripma recalled that there were requirements imposed on Home Depot as far as delivery times, when the trucks could move, etc. Again, those requirements should be the same for Kohl's as they are for Home Depot.

Madeleine Torres noted that a berm and fencing were also required on the Home Depot Store—the kind of fencing that is board-on-board rather than shadow box—and would like to see that carried through.

Kevin Heber suggested that the petitioner have a meeting with a representative of the Spring Arbor HOA to discuss screening, since this is not really a public hearing.

Jay Dorman said he would make a point of driving by this site and would not be happy if the buffering is not adequate for the residential neighborhood. The situation may require additional commitments.

Carol Schleif agreed with previous comments and would be sending her comments to the Committee chair.

Dan Dutcher commented that there were enough open items on this project that this proposal should be brought back to the full Commission after Committee review.

Wayne Haney referred to the site plan and asked about the parking situation on the northeast side of the site. There is employee parking to the rear along with the truck dock.

Matt Price responded that the petitioner was asked to show the overall development on the site plan as originally approved. The site plan shows the truck well.

Jay Dorman suggested that the Commission members make a site visit to the current Kohl's facility in Westfield at Village Park Mall.

Docket No. 06100005 ADLS, Kohl's of West Carmel Marketplace was forwarded to the Special Studies Committee December 05, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

There was no further business to come before the Commission and the meeting adjourned at 8:00 PM.

Leo Dierckman, President

Ramona Hancock, Secretary